

UNITED STATES DISTRICT COURT  
Northern District of California

JOHN WESTON OSBURN,

No. C 12-3397 MEJ

Plaintiff,

**SECOND ORDER TO SHOW CAUSE**

v.

OAKLAND POLICE OFFICERS, et al.,

Defendants.  
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On October 1, 2012, the Court vacated the Case Management Conference in this case and ordered Plaintiff John Weston Osburn to file a status report. Dkt. No. 3. As he failed to respond, the Court ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. Dkt. No. 4. In response, Plaintiff's counsel filed a declaration stating that "the agreement for settlement had already been reached when the case was filed—there having been an earlier version brought in the Alameda County Superior Court, which had to be superseded because of a time problem—and so I had essentially moved it to the "done" column, carried in my head; not an adequate mode for keeping track, I admit." Dkt. No. 5. Based on this response, the Court discharged the order to show cause and ordered Plaintiff to file a dismissal or status report by February 14, 2013. Dkt. No. 6. Plaintiff has again failed to comply with the Court's order.

Accordingly, the Court ORDERS Plaintiff's counsel, Dennis Cunningham, to provide his client, John Weston Osburn, with (1) a copy of this order, (2) the January 3, 2013 Order to Show Cause, and (3) Mr. Cunningham's January 17 declaration in response. Mr. Cunningham shall provide the copies by March 8, 2013. Plaintiff shall thereafter file a declaration by March 15, 2013, attesting that he has received copies of these documents. Further, the Court ORDERS Plaintiff to show cause

1 why this case should not be dismissed for repeatedly failing to comply with court orders. Plaintiff  
2 shall file a separate declaration by March 15, 2013. If a responsive declaration is filed, the Court  
3 shall either issue an order based on the declaration or conduct a hearing on March 28, 2013 at 10:00  
4 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Notice is  
5 hereby provided to Plaintiff that the Court may dismiss the case without a hearing if no responsive  
6 declaration is filed. Thus, it is imperative that Plaintiff file a written response by the deadline above.

7 **IT IS SO ORDERED.**

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9 Dated: March 5, 2013

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12 Maria-Elena James  
13 United States Magistrate Judge  
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